

### **III. REMARKS**

1. Claim 23 has been amended to define "mode A" and "mode B", as disclosed on Page 6, lines 21–25. Thus, the objection should be overcome.
2. Claims 1-2, 10, 18-22, 24, 26-27, 32 and 36-37 are not unpatentable under 35 U.S.C. 103(a) over Pecen.

Claim 1 recites "determining continuously said reference level on the basis of correctly received valid radio blocks of the logical packet data traffic channel, and correcting said reference level on the basis of the signal strength measured during the reception of each valid radio block." This is not disclosed or suggested by Pecen.

The Examiner asserts that Pecen mentions bit error rate in column 7, lines 5–15. The bit error rate may relate to the ratio of the number of bits, elements, characters, or blocks incorrectly received to the total number of bits, elements, characters, or blocks sent during a specified time interval. In Pecen, the interference measurement is preferably the bit error rate of the received data. Also, the Examiner asserts that it would have been easy to recognize that the carrier to interference ratios mentioned in Pecen in column 8, lines 25–40, as the reference level of the received signal.

However, as pointed out above, claim 1 of the present application recites that correctly received, valid radio blocks are used for determining the reference level, and the signal strength measured during the reception of each valid radio block is used for correcting the reference level.

Pecen does not disclose the valid radio blocks being used in the manner as claimed in the present application. In the claimed invention, valid radio blocks are used and, e.g., address information and transmission power information contained in a radio block is interpreted to determine whether the radio block is valid for use or not. Furthermore,

claim 1 recites it is the signal strength measured during the reception of the valid radio block that is used as a basis for correction.

Therefore, the use of valid radio blocks in the claimed invention differs from Pecen which mentions bit error rate and interference measurements. Pecen does not teach how the received blocks should be used as the reference level of the received signal. Also, as the Examiner correctly states on p.3, last full paragraph, of the Office Action, there is no disclosure in Pecen of the recited determining continuously said reference level.

Furthermore, the claimed invention is for the problem of determining an AGC reference level (see page 8, lines 1–3), while Pecen is for the problems of initial acquisition, decoding more than one time slot, a dynamic time slot allocation (see col. 2 lines 17–28). Since Pecen solves different problems than that solved by the claimed invention, it is improper to make the numerous modifications of it which be required in order result in the claimed invention (see MPEP 2143.01).

The remaining independent claims have similar limitations. Thus, the rejection of the above claims should be withdrawn.

3. Claim 13-16, 23 and 33 are not under 35 U.S.C. 103(a) over Pecen in view of the admitted prior art.

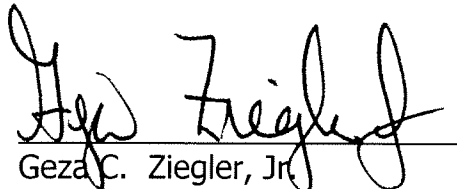
Since the admitted prior art fails to disclose the above-discussed determining continuously, valid radio block and signal strength features, combining it with Pecen does not result in the claimed invention. Hence, the rejection of claims 13-16, 23 & 33 should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and

allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for the three month extension fee (\$1020.00) as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Geza C. Ziegler, Jr.  
Reg. No. 44,004

27 April 2007  
Date

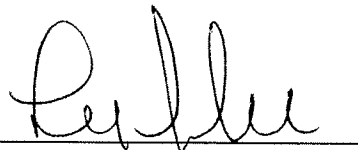
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